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| Examiner-Initiated Interview Summary | Application No. | Applicant(s) |
| | 09/936,665 | KATZ ET AL. |
| | Examiner | Art Unit |
| | William Sandals | 1636 |

All Participants:

Status of Application: _____

(1) William Sandals.

(3) ____.

(2) Sarah Adriano, Esq..

(4) ____.

Date of Interview: 29 October 2003

Time: _____

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Zuk et al., Soda et al., and US 5,827,740 (Pittenger et al.)

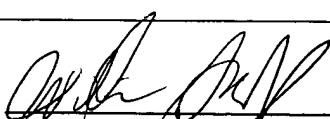
Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: It was agreed the the processed lipoaspirate cells of Zuk et al. are the instant-claimed adipose-derived stem cells. It was agreed that the adipose derived stem cells are distinct from the mesenchymal stem cells of Pittenger et al. It was agreed that Soda et al. did not anticipate the instant claimed adipose-derived stem cells. It was agreed that the claims would be amended by examiner's amendment. It was agreed that the claims are now in condition for allowance..



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
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69/936 665 9/10/01

| EXAMINER |
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W SANDALS

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1635 15

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) B.J. Szczerba (3) Sarah Adriano
(2) Tim Ketter (4) Mark Hedrick

Date of Interview _____

Type: Telephonic Personal (copy is given to applicant applicant's representative):

Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____

Agreement was reached. was not reached.

Claim(s) discussed: 102 over Szczerba / 103 Szczerba, in Pfitzner

Identification of prior art discussed: Szczerba et al., WO 98/04682, 5,827,790

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: At was agreed

that a submission to distinguish between the adipose derived stem cell and bone marrow derived stem cell will be submitted.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

FORM PTOL-413 (REV.1-96)